

8. Upon reasonable information and belief, JCI admits the allegations contained in Paragraph 8 of the Third Amended Complaint.

29. Paragraph 29 states legal conclusions to which no response is required. JCI further states that no response is required because this Court has already granted JCI's motion to dismiss damages for Plaintiff's Decedent's pre-death pain and suffering. [ECF No. 538]. If and to the extent a further response is required, JCI expressly denies that Plaintiff is entitled to damages for Plaintiff's Decedent's pre-death pain and suffering as a matter of maritime law or Virginia law, and denies the remaining allegations contained in Paragraph 29.

30. Paragraph 30 states legal conclusions to which no response is required. JCI further states that no response is required because this Court has already granted JCI's motion to exclude loss of society and other damages asserted in Paragraph 30. [ECF No. 538]. *See* 46 U.S.C. § 30302; *Dutra Group v. Batterton*, 139 S. Ct. 2275 (2019); *Atl. Sounding Co. v. Townsend*, 557 U.S. 404 (2009); *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199 (1996); *Miles v. Apex Marine Corp.*, 498 U.S. 19 (1990); *Mobil Oil Corp. v. Higginbotham*, 436 U.S. 618, 624 (1978); *John Crane, Inc. v. Hardick*, 284 Va. 329, 732 S.E.2d 1 (2012). To the extent Paragraph 30 asserts such damages under Virginia law, JCI states Virginia law does not apply here and that a seaman's maritime-law claims cannot be supplemented with state remedies. *See Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 202 (1996) (holding that "state remedies remain applicable" in "maritime wrongful-death cases in which no federal statute specifies the appropriate relief *and the decedent was not a seaman*") (emphasis added). If and to the extent a further response is required, JCI expressly denies that Plaintiff is entitled to loss of society and other damages asserted in Paragraph 30, and denies the remaining allegations contained in Paragraph 30.

JOHN CRANE INC. DEMANDS A TRIAL BY JURY ON ALL ISSUES.

Dated: October 26, 2022

Respectfully submitted,

**JOHN CRANE INC.,
Defendant**

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2022, a true and accurate copy of the foregoing was filed electronically using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

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